

REMARKS/ARGUMENTS

Claims 1–2 are pending and at issue in the present application, claims 3–4 having been withdrawn by previous amendment.

Applicant respectfully traverses the 35 U.S.C. § 103(a) rejection of claims 1 and 2 as obvious over Raisch in view of Esche.

Claim 1, as amended, specifies, in part, “a weight freely slidable” and “constituting means for sliding along and pulling on” a flexible hose when a “head part is moved from a use position” and “into a stored position in which said hose is recessed within” a wall. The freely slidable weight freely moves along the hose as the hose is moved from a use position to a stored position or vice versa.

There is no disclosure or suggestion in the cited references, alone or in combination, of a freely slidable weight moving along a hose as the hose is extended from its stored position recessed in a wall into a use position.

Raisch teaches a extendable bathtub spout with only a pull-out spout 24, a hose 50, water supply 28, and a stationary base 20. Esche discloses a pull-out faucet with a spray head 12, a spray hose 16, a spout 14, and an annular weight 150. The annular weight, while it “slides onto the spray hose”, is not freely slidable along the spray hose, for it “rests against the connection with the valve outlet hose”.

Claim 2, dependent on claim 1, recites a slotted mounting bracket for a retractable showerhead, having “channel means for guiding the movement” of a hose as a head part of the showerhead “moves from its said storage position into its said use position”.

There is no disclosure or suggestion in the cited references, alone or in combination, of a slotted mounting bracket for a retractable showerhead, where the channel acts as means for guiding the movement of a flexible hose as the hose moves from a use position to a stored position or vice versa.

Raisch teaches an alternate embodiment with a second base 94 with a cutout 98 to accommodate passage of an extensible hose 30. However, the cutout is configured to receive a

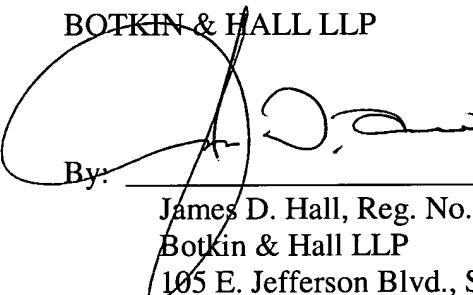
pull-out spout 24 while in the use position of the unit, not as a means for guiding the hose between the use and stored positions. Esche does not teach a slotted mounting bracket.

Because Raisch and Esche individually or in combination do not disclose or suggest the freely slideable weight of claim 1 or the slotted mounting bracket of claim 2, it follows that such claims are patentable thereover.

The prior art must disclose at least a suggestion of an incentive for the claimed combination of elements in order for a *prima facie* case of obviousness. See *In re Sernaker*, 217 U.S.P.Q. 1, 5-6 (Fed. Cir. 1983) and *Ex parte Clapp*, 227 U.S.P.Q. 972 (Bd. Pat. App. & Inter. 1985). Accordingly, reconsideration and allowance of the foregoing claims is respectfully requested.

Respectfully submitted,

BOTKIN & HALL LLP

By: 

James D. Hall, Reg. No. 24,893
Botkin & Hall LLP
105 E. Jefferson Blvd., Suite 400
Tel: 574-234-3900
Fax: 574-236-2839
Attorney for Applicant(s)